

method comprising, among other features, registering events in the plant with a first work identity of a material quantity of the material, as recited in claim 1.

On page 2 of the Office Action, the Examiner asserts that the tracking numbers assigned to cattle prior to slaughter, various portions of the cattle subsequent to slaughter, and the use of packaging containers allow for the determination of each event in the process by recording the date and time of each stage in the process in a database. Applicant disagrees.

In total, claim 1 recites the following:

A method of tracking materials in a plant that produces liquid foods, the method being executed by a computer having a database that stores data associated with production units in the plant, and comprises the steps of:

allocating, in the database, a unit identity to each production unit, the unit identity is registered and identifies the production unit as one of a source and a destination of material during production of the liquid food in the plant;

receiving, in the computer, a material quantity of each material in the production of the liquid food;

allocating, a first work identity to a material quantity of a respective material in the production of the liquid food;

registering the first work identity in the database;

registering, in the database, events in the plant with the first work identity of the material quantity of the material, wherein the event identifies a transport of at least a portion of the material quantity from a source production unit in the plant with reference to the unit identity allocated to the source production unit in the plant and/or to a destination production unit in the plant with reference to the unit identity allocated to the destination production unit in the plant; and

displaying data associated with at least one event of a specific point in time based on the unit identity of a production unit and the first work identity of the material quantity.

Based on the features recited in the claims, one of skill in the art would understand that each event in a plant has a source and a destination. The source and destination being associated with a respective production unit in the plant. The events are registered in a table of a database and are allocated a unique event

identity. The events are also registered with references to the material quantity work identity and with respect to the unit identities of the source or destination.

Montanari does not disclose or suggest the above-noted features. Rather, *Montanari* a system that applies identification (ID) numbers to track food products throughout the production process. For example, during production an ID number is assigned to a live animal and to the final product or packaging in which the final product is contained. Also, each intermediate product that is produced between the live animal and the final animal product is assigned an identification number. Id., pgph bridging cols. 9 and 10.

As reasonably understood from the disclosure, with respect to the establishment of "a unit identity of a production unit" as recited in Applicants' claims, *Montanari* discloses the following:

...meat portion container to hold meat products to be ground is identified using a Lot Production Information Number (L-PIN), such number being entered into a computer database. Each primal or sub-primal's P-TN is scanned prior to being placed into the L-PIN labeled meat portion container. Once the meat portion container is full, it is sent to be further processed. The meat portions are fed into a grinder and the resulting product is collected in a second ground meat container. An L-PIN tag is generated that is identical to that of the first container and is attached to the ground meat container. The ground meat container is then emptied and its contents packaged into individual packages. col. 16, lines 7-18.

Here, *Montanari* discusses that an ID (L-PIN) is assigned to a container used to hold meat products. The meat is transported from the storage container to a grinder. Once grinding is completed, the meat is transported to another storage container that is assigned the same ID as the storage container used prior to the grinding process. The ground meat can be packaged and a label or ID assigned to the packaging. Id., col. 16, lines 19-22. While *Montanari* discloses that the use of

storage containers and packaging can be tracked during food production and processing, this teaching does not also infer that **each** production unit in the processing of the food product is assigned an ID. On the contrary, *Montanari* discloses that the food products existing prior to and after a processing step are identified. But there is no explicit or inferential discussion of tracking or identifying the device or component that processes a food product. As such, *Montanari* does not disclose or suggest at least the following features recited in Applicants' claim 1:

allocating, in the database, a unit identity to **each** production unit, the unit identity is registered and identifies the production unit as one of a source and a destination of material during production of the liquid food in the plant; and

registering, in the database, events in the plant with the first work identity of the material quantity of the material, wherein the event identifies a transport of at least a portion of the material quantity from a source production unit in the plant with reference to the **unit identity** allocated to the source production unit in the plant and/or to a destination production unit in the plant with reference to the **unit identity** allocated to the destination production unit in the plant.

In summary, because *Montanari* does not disclose **every** feature recited in claim 1, this reference cannot reasonably be deemed to anticipate claim 1. Because a *prima facie* case of anticipation has not been established, withdrawal of the rejection to claims 1 and 3-6 is thereby warranted. In addition, and by virtue of its dependency, Applicants submit that claim 7 is distinguishable over *Montanari* for at least the same reasons stated above. Withdrawal of the obviousness rejection of claim 7 under 35 U.S.C. §103 is, therefore, requested.

Conclusion

Based on the foregoing amendments and remarks, Applicants respectfully submit that claims 1 and 3-7 are allowable and this application is in condition for allowance. In the event any unresolved issues remain, the Examiner is invited to contact Applicants representative identified below.

Respectfully submitted,

BUCHANAN INGERSOLL & ROONEY PC

Date: July 15, 2010

By: /Shawn B. Cage/
Shawn B. Cage
Registration No. 51522

Customer No. 21839
703 836 6620